



**Missouri Department of Health and Senior Services**

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Director



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## To sell or not to sell, that is the question

Selling products at a farmers market is almost an American tradition which has progressed from the sale of raw, unprocessed agricultural products to sometimes a full service food establishment and everything in between. People across the country are spending more and more money on farm fresh products every day, and the consumer expects quality food that is safe to eat. This is where the Missouri Department of Health and Senior Services (DHSS) steps into the picture.

DHSS is charged with the responsibility of assuring that retail food is safe for the consumer. This means that anytime a food is prepared, or otherwise handled, there are strict requirements regarding sanitation issues and food sources.

The Missouri 1999 Food Code states that some non-potentially hazardous foods such as jams, jellies, cookies, cakes and dry powder mixes may be produced and sold from a non-inspected [kitchen](#)<sup>1</sup>. This may only be done under sanitary conditions and the seller must be the person making the product and you are selling directly to the end consumer. For more information on this, contact the Missouri Department of Health and Senior Services, Food Safety Program at (573) 751-6095.

The following table may be used as a guide for what can and cannot be sold at a farmers market:

<b>Foods Ok to Sell Without Further Inspection</b>	<b>Foods that must be from an Approved/ Inspected Source</b>
Whole, uncut vegetables	Cut vegetables
Whole, uncut fruits	Cut or peeled fruits
Jams & jellies	Salsa & relish and other canned foods
Frozen meat from an inspected processor*	Any meat not from an inspected processor Meat not kept frozen
Dry baked good (cakes, cookies, brownies, fruit pies)	Custards and meringue pies
Eggs from a licensed source, ** refrigerated at 45°F	Any <a href="#">potentially-hazardous</a> <sup>2</sup> other than frozen meat and refrigerated eggs

\* Processors inspected by the USDA or Missouri Department of Agriculture

\*\*Egg licensing is done through the Missouri Department of Agriculture's Egg licensing group at (573) 751-2495.

<sup>1</sup> Some local jurisdictions may require permitting through their health department and we suggest you contact the local health department where the farmers market is located to determine what the local requirements may be. In addition, a local health department may have more restrictive code requirements. Be sure to ask the local health department about code requirements as well.

<sup>2</sup> A potentially-hazardous food is a food that can support the growth of harmful bacteria. These foods are typically protein rich such as meat, poultry, seafood, milk and eggs just to name a few. Contact your local health department if you are unsure about the safety of the food you are selling.

[www.dhss.mo.gov](http://www.dhss.mo.gov)

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis.

Food preparation other than that listed above, such as cooking hamburgers, soups or offering samples to the public are considered food establishment functions and would require inspection and compliance with the Missouri 1999 Food Code.